

REMARKS

Claims 1-26 are pending in the present application and have been rejected. Support for some of the claims amendments above can be found in paragraph [0039] of the original specification.

Claim Rejection: 35 U.S.C. § 102(e)

The Office has rejected claims 1-9, 11, 13, 15-23, and 25-26 under 35 U.S.C. §102(e) as being anticipated by Schweikert (U.S. Published Application No. 2003/006218), for the reasons noted on pages 2-4 of the Office Action. Applicant respectfully traverses this rejection.

The Office argues that Schweikert anticipates these claims because of the device depicted in Figures 1-12 and the accompanying description in the specification. Applicant disagrees that the Office has met its burden of substantiating anticipation under 35 U.S.C. §102 by showing that Schweikert teaches each and every limitation in the rejected claims.

The Office has failed this burden with respect to at least 3 claim limitations. Claims 1-17 contain the first limitation that the identification device contains a member or means for securing the identification device to a hose clamp (i.e., a protrusion) that, in certain claims, is different than the cross member. Claim 18 contains the second limitation of installing, removing, or interchanging an identification marker on the hose clamp without interfering with the hose. And the method claims 19-26 contain the third limitation of attaching an identification marker to a hose clamp.

The Office argues that Schweikert describes the first limitation in the curved portion of the cross member 610 that is loosely engageable against the curved portion 584 of the hose clamp. The Office, however has not substantiated how the curved portion of the cross member is secured or attached to the hose clamp. Neither has the Office shown that this curved portion belongs to a member that is different than the cross member. Nor has the Office shown how this “curved portion” could be a protrusion. And it would be difficult for the Office to show that Schweikert teaches any of this limitation in light of the admissions on page 3 of the Office Action.

As to the second limitation, the Office argues that the information ring is adapted to be inserted in removed independently of the hose or conduit in an embodiment of Schweikert. But where is such a feature described in Schweikert? In making such an argument, the Office did not specify where Schweikert describes such a feature in his device. And it would be difficult for the Office to make such an argument in light of paragraph [0033] of Schweikert which describes that to remove the information ring 110, the conduit 160 must be severed by cutting so that the information ring 110 can be removed and a new information ring 110 provided.

As to the third limitation of attaching the identification marker to a hose clamp, the Office has also not substantiated that Schweikert describes such a limitation. Indeed, it would be hard for the Office to make such an argument in light of its own recognition that Schweikert discloses in paragraph [0044] that the cross member 610 only “loosely” engages the curved portion 584 of the hose clamp.

Thus, the Office has not shown that Schweikert anticipates each and every limitation in the rejected claims. Accordingly, Applicant requests withdrawal of this ground of rejection.

Claim Rejection: 35 U.S.C. § 102(b)

The Office has rejected claims 1, 2, and 5-17 under 35 U.S.C. § 102(b) as being anticipated by Wolfson (U.S. Patent No. 5,281,228), for the reasons noted on page 5 of the Office Action. Applicant respectfully traverses this rejection.

All of the rejected claims contain the limitation of an identification device that is used with a hose clamp. The Office, however, has not shown that Wolfson describes such a limitation. This patent is riddled with references to the fact that the identification member 66 and clamp 62 of the device of Wolfson is to be used with an umbilical cord. *See Title and Abstract.* Indeed, Wolfson describes that clamp 62 is an “umbilical” clamp 62, not a hose clamp. *See column 2, lines 41-68.* And the Office has not pointed to any disclosure in Wolfson that would have taught the skilled artisan that these devices could be used to identify and clamp a hose instead of an umbilical cord. *See also, claims 1-5.*

Thus, the Office has not shown that Wolfson anticipates each and every limitation in the rejected claims. Accordingly, Applicant requests withdrawal of this ground of rejection.

CONCLUSION

For the above reasons, Applicant respectfully requests withdrawal of the pending grounds of rejection and allowance of the pending claims.

If there is any fee due in connection with the filing of this Amendment, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ken Horton", written over a horizontal line.

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